Christopher forum post,

1) This week’s forum question, brings up some very good debate in regards to what is considered to be “cruel and unusual” punishment within our criminal justice system. Personally, I do not think that the death penalty should be banned. I have seen and dealt with some of the most heinous crimes and criminals, and some of these people do not deserve the right to live, especially when they take someone else’s life. There raises a huge issue when it comes to morality of the death penalty and murder. “The Supreme Court has ruled that the death penalty is not a “per se violation” of the Eighth Amendment's ban on cruel and unusual punishment, but the Eighth Amendment does shape certain procedural aspects regarding when a jury may use the death penalty and how it must be carried out” (Law.cornell.edu). Within the 14th Amendment, it states that, “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”. The due process of law that is protected by the 14 amendment helps in many ways to support the use of the death penalty. The death penalty has been viewed as acceptable as long as the punishment “fits the crime”.

2) Under the constitution it does not specifically cover what is believed to be “cruel and unusual punishment”, but the courts have defined what they believe to be cruel and unusual. The “unnecessary and wanton infliction of pain” constitutes cruel and unusual punishment, as discussed in Ingraham v. Wright, 430 U.S. 651 (1977). Other cases have also deemed that persons under the age of 18 not be sentenced to death and that any form of torture or beating is also unconstitutional. The newest thing that I found, was that overcrowding in prison is also now considered to be a form of cruel and unusual punishment. The U.S. Supreme Court has also ruled that criminal sentences that are inhuman, outrageous, or shocking to the social conscience are cruel and unusual.

3) Ultimately, the framers of the constitution did not intend to ban executions for the crime of murder, but wanted to end things such as, burning them alive at the stake or “drawing and quartering”. I think that sometimes the victims in many of the current cases are lost and the offender gets more rights than the victim ever had when they lost their life. The biggest issue that comes into play is with the death penalty, is the use of lethal injection and whether or not it is considered cruel and unusual. This has been bought up to the Supreme Court and has consistently been returned as being acceptable. I think the death penalty is more humane now than it ever has been before and with the advancements in technology, I’m sure it will become even more humane in years to come. Thank you for reading my post this week and I look forward to your responses.

-Chris Newell

8th Amendment, LII / Legal Information Institute, https://www.law.cornell.edu/wex/amendmentxiv

Death Penalty, LII / Legal Information Institute, https://www.law.cornell.edu/wex/death\_penalty